

**Indiana State Department of Health
Health Care Quality and Regulatory Commission
Division of Long Term Care**

**Instructions for Requesting
Independent Informal Dispute Resolution**

This document is intended to provide instructions for skilled nursing facilities (SNF) and nursing facilities (NF) for requesting independent informal dispute resolution (IIDR) for a certification survey.

The ISDH *Informal Dispute Resolution Policy and Procedure*, Document # 2011-03-LTC, is available at the ISDH Informal Dispute Resolution Information Center at www.in.gov/isdh/25304.htm. The Information Center includes a timeline highlighting components of the informal dispute resolution process along with other resources.

I. Eligibility for Independent Informal Dispute Resolution

- A. Eligibility determination: A survey is only eligible for independent informal dispute resolution if there is a survey finding with a scope and severity level of “G” or higher, a civil money penalty is imposed, and the penalty is subject to being placed in escrow.
- B. An offer for an independent informal dispute resolution will be provided to a facility via the *CMS Notice of Imposition of a CMP* letter. The offer will be sent by CMS Regional Office V within thirty (30) calendar days of notice of the imposition of a civil money penalty that will be collected and placed in an escrow account. The offer will generally be included in the notice of imposition of a civil money penalty letter.

II. Requesting an Independent Informal Dispute Resolution

- A. To request an independent informal dispute resolution process, the facility must submit a request to the designated state survey agency contact. The request is simply an email requesting Independent Informal Dispute Resolution. The request should be sent to ISDH.LTC.IDR@isdh.in.gov and include the following information:
 - 1. Name of facility
 - 2. Date of survey report for which independent informal dispute resolution is being requested

3. Any changes to the informal dispute resolution request submitted in the plan of correction through the ISDH Survey Report System
 4. Attach any additional records in support of the independent informal dispute resolution request not provided at the time of submitting the plan of correction
- B. Timing of Request: The facility must request the independent informal dispute resolution within ten (10) calendar days of the offer. If the facility misses the ten day deadline, independent informal dispute resolution cannot be provided.

III. Submitting Records in Support of the Independent Informal Dispute Resolution

- A. Informal dispute resolution is first requested at the time of submitting the plan of correction. At that time, the facility submits the informal dispute resolution request along with supporting documentation. The offer of independent informal dispute resolution creates an opportunity where the facility may revise their initial traditional ISDH conducted informal dispute resolution request and request independent informal dispute resolution.
1. If the facility has no changes to their initial informal dispute resolution request submitted with the plan of correction, the facility just needs to submit the independent informal dispute resolution request.
 2. If a facility would like to revise their informal dispute resolution request (i.e. request additional or fewer tags be reviewed or provide additional documentation), the facility should provide those changes in their email requesting the Independent informal dispute resolution along with any additional documentation not previously provided. Because of the required timeline for completing the independent review, the ISDH will not be able to allow additional time for submission of supporting documentation to be reviewed by the independent entity. All additional documentation or information must be submitted at the time of the request for independent informal dispute resolution.
- B. Redacting: All documents submitted in support of a request for independent informal dispute resolution must be redacted of identifiable resident information. Documents not redacted will not be accepted.
- C. Scanned documents: All documents must be submitted to the ISDH electronically – i.e. they must be scanned and submitted either as an attachment in the survey report system at the time of submission of the plan of correction or an attachment to the email requesting an independent informal dispute resolution. The ISDH will be sending documents electronically to the

independent entity. Because the documents are scanned, highlighted text may not be effective so facilities may want to indicate important points through another manner (such as arrows).

IV. Independent Informal Dispute Resolution Process

- A. The facility will have only one opportunity for informal dispute resolution. If the facility is eligible for independent informal dispute resolution, the facility may select either the traditional ISDH conducted informal dispute resolution process (paper review or face to face) or the independent informal dispute resolution process (paper review). A facility may not have both the traditional ISDH conducted informal dispute resolution and independent informal dispute resolution on the same survey. By requesting independent informal dispute resolution, the request for the traditional ISDH conducted informal dispute resolution process is eliminated in favor of the independent informal dispute resolution process. If a facility is offered independent informal dispute resolution, once the ten day deadline has passed without a request for independent informal dispute resolution, the ISDH will continue with the traditional ISDH conducted informal dispute resolution process per the request submitted by the facility at the time of submitting the plan of correction.
- B. Review Process: The independent informal dispute resolution process is a paper review process.
- C. Independent Entity: Upon receipt of a request for independent informal dispute resolution, the ISDH will notify the Independent Entity and forward a copy of the informal dispute resolution request record submitted by the facility. The Independent Entity will then conduct the review and provide its recommendation to the ISDH.
- D. Opportunity to Comment: If the survey was a complaint survey, upon receipt of a request for independent informal dispute resolution, the ISDH will notify the involved resident or resident representative and the Indiana Long Term Care Ombudsman of their opportunity to comment. Those comments are sent to the ISDH at ISDH.LTC.IDR@isdh.in.gov. Upon receipt of any comments, the ISDH forwards those comments to the Independent Entity for consideration in the review.
- E. The ISDH anticipates that the independent informal dispute resolution process will be completed within sixty (60) calendar days of the date of the request for independent informal dispute resolution. The informal dispute resolution results will be provided through the ISDH Survey Report System.

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